

# The Gazette of India



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## PART II—Section 2

### Bills and Reports of Select Committees on Bills

#### PARLIAMENT OF INDIA

The following Bills were introduced in Parliament on the 2nd June, 1951:—

#### BILL No. 53 OF 1951

*A Bill further to amend the Aligarh Muslim University Act, 1920*

BE it enacted by Parliament as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Aligarh Muslim University (Amendment) Act, 1951.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. **Amendment of section 2, Act XL of 1920.**—In section 2 of the Aligarh Muslim University Act, 1920 (hereinafter referred to as the principal Act),—

(a) in clause (d), for the words “or maintained” the words “maintained or recognised” shall be substituted;

(b) clause (e) shall be omitted.

3. **Amendment of section 5, Act XL of 1920.**—In section 5 of the principal Act, for clause (5) the following clause shall be substituted, namely:—

“(5) to provide lectures and instruction and to hold examinations for, and to grant diplomas and certificates to, persons who pursue special courses of study in accordance with the Statutes and the Ordinances of the University;”.

4. **Amendment of section 7, Act XL of 1920.**—In section 7 of the principal Act, for the words and letters “Part A States and Part C States” the word “India” shall be substituted.

5. **Substitution of new section for section 8, Act XL of 1920.**—For section 8 of the principal Act, the following section shall be substituted, namely:—

“8. *University open to all classes, castes and creeds.*—The University shall be open to persons of either sex and of whatever race, creed or class, and it shall not be lawful for the University to adopt, or impose on any person, any test whatsoever of religious belief or profession in order to entitle him to be admitted therein, as a teacher or

student, or to hold any office therein, or to graduate thereat, or to enjoy or exercise any privilege thereof, except where such test is specially prescribed by the Statutes, or, in respect of any particular benefaction accepted by the University, where such test is made a condition thereof by any testamentary or other instrument creating such benefaction:

Provided that nothing in this section shall be deemed to prevent religious instruction being given in the manner prescribed by the Ordinances to those who have consented to receive it."

**6. Omission of section 9, Act XL of 1920.**—Section 9 of the principal Act shall be omitted.

**7. Substitution of new section for section 11, Act XL of 1920.**—For section 11 of the principal Act, the following section shall be substituted, namely:—

"11. *Teaching of the University.*—All recognised teaching for the purpose of University degrees, diplomas and certificates shall be conducted in the name of the University and in accordance with the Ordinances and shall include lectures, seminars, tutorial instruction and practical work in the laboratory or in the field."

**8. Substitution of new section for section 12, Act XL of 1920.**—For section 12 of the principal Act, the following section shall be substituted, namely:—

"12. *Power to establish and maintain high schools and other institutions.*—(1) The University shall, subject to the Statutes, have power to establish and maintain high schools, within ten miles of the University Mosque.

(2) The University may also, with the sanction of the Visitor, and subject to the Statutes and Ordinances, establish and maintain within the aforementioned limits any other institution whose objects fall within the powers of the University as described in section 5."

**9. Substitution of new section for section 12A, Act XL of 1920.**—For section 12A of the principal Act, the following section shall be substituted, namely:—

"12A. *Power to recognise colleges and institutions.*—With the approval of the Academic Council and the sanction of the Visitor, and subject to the Statutes and Ordinances, the University may admit colleges and institutions within ten miles of the University Mosque to such privileges of the University as it thinks fit."

**10. Amendment of section 13, Act XL of 1920.**—In section 13 of the principal Act,—

(a) for the words "Lord Rector", wherever they occur, the word "Visitor" shall be substituted; and

(b) for the word "Court", wherever it occurs, the words "Executive Council" shall be substituted.

**11. Omission of section 14, Act XL of 1920.**—Section 14 of the principal Act shall be omitted.

**12. Substitution of new section for section 15, Act XL of 1920.**—For section 15 of the principal Act, the following section shall be substituted, namely:—

“15. *Chief Rector and Rectors.*—(1) The Governor of the State of Uttar Pradesh shall be the Chief Rector of the University.

(2) Such persons, not exceeding three in number, as may be appointed in this behalf in accordance with the Statutes shall be the Rectors of the University.”

**13. Amendment of section 16, Act XL of 1920.**—In section 16 of the principal Act, the word “and” at the end of item (3) shall be omitted, and after the said item (3) the following shall be inserted, namely:—

“(3A) The Pro-Vice-Chancellor, if any, and”.

**14. Amendment of section 19, Act XL of 1920.**—For sub-section (1) of section 19 of the principal Act, the following sub-section shall be substituted, namely:—

“(1) The successors to the Vice-Chancellor holding office at the commencement of the Aligarh Muslim University (Amendment) Act, 1951, shall be appointed in the manner provided in the Statutes.”

**15. Amendment of section 21, Act XL of 1920.**—In section 21 of the principal Act, the words “and the Ordinances” shall be omitted.

**16. Amendment of section 23, Act XL of 1920.**—In section 23 of the principal Act,—

(a) in sub-section (1),—

(i) for the words “and the Vice-Chancellor” the words and brackets “the Vice-Chancellor and the Pro-Vice-Chancellor (if any)” shall be substituted;

(ii) the proviso shall be omitted;

(b) in sub-section (2),—

(i) for the words “governing body” the word “authority” shall be substituted;

(ii) the words “and direct that necessary action be taken by the Executive or Academic Council, as the case may be, on any recommendations of the Lord Rector” shall be omitted.

**17. Substitution of new section for section 27, Act XL of 1920.**—For section 27 of the principal Act, the following section shall be substituted, namely:—

“27. *Power to make Statutes.*—Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:—

(a) the constitution, powers and duties of the authorities of the University;

(b) the election and continuance in office of the members of the said authorities, including the continuance in office of the first members and the filling of vacancies of members, and all other matters relative to those authorities for which it may be necessary or desirable to provide;

- (c) the appointment, term of office and functions of Rectors;
- (d) the appointment, powers and duties of the officers of the University;
- (e) the classification and mode of appointment of teachers of the University;
- (f) the constitution of a pension, insurance or provident fund for the benefit of the officers, teachers and other servants of the University;
- (g) the conferment of honorary degrees;
- (h) the institution of fellowships, scholarships, exhibitions, medals and prizes;
- (i) the withdrawal of degrees, diplomas, certificates and other academic distinctions;
- (j) the establishment of Faculties, Departments and Halls;
- (k) the conditions under which colleges and institutions may be admitted to privileges of the University and for the withdrawal of such privileges;
- (l) the establishment of high schools and other institutions in accordance with the provisions of section 12; and
- (m) all matters, relating to the administration of the University which by this Act are to be or may be prescribed by Statutes."

**18. Amendment of section 28, Act XL of 1920.**—For sub-section (2) of section 28 of the principal Act, the following sub-sections shall be substituted, namely:—

"(2) The Court may, from time to time, make new or additional Statutes or may amend or repeal the Statutes in the manner hereinafter in this section provided.

(3) The Executive Council may propose to the Court the draft of any Statute to be passed by the Court, and such draft shall be considered by the Court at its next meeting.

(4) The Court may approve any such draft as is referred to in sub-section (3) and pass the Statute or may return it to the Executive Council for reconsideration either in whole or in part together with any amendments which the Court may suggest:

Provided that the Executive Council shall not propose the draft of any Statute affecting the status, powers or constitution of any existing authority of the University until such authority has been given an opportunity of expressing an opinion upon the proposal, and any opinion so expressed shall be in writing and shall be considered by the Court.

(5) No new Statute or amendment or repeal of an existing Statute shall have any validity unless it has been submitted to the Visitor who may sanction, disallow or remit it for further consideration."

**19. Substitution of new section for sections 29 and 30, Act XL of 1920.**—For sections 29 and 30 of the principal Act, the following section shall be substituted, namely:—

“29. *Power to make Ordinances.*—(1) Subject to the provisions of this Act and the Statutes, the Ordinances may provide for all or any of the following matters, namely:—

(a) the admission of students to the University and their enrolment as such;

(b) the courses of study to be laid down for all degrees, diplomas and certificates of the University;

(c) the award of degrees, diplomas, certificates and other academic distinctions, the qualifications for the same, and the means to be taken relating to the granting and obtaining the same;

(d) the fees to be charged for courses of study in the University and for admission to the examinations, degrees and diplomas of the University;

(e) the conditions of the award of fellowships, scholarships, exhibitions, medals and prizes;

(f) the conduct of examinations, including the terms of office and manner of appointment and the duties of examining bodies, examiners and moderators;

(g) the maintenance of discipline among the students of the University;

(h) the conditions of residence of the students of the University;

(i) the arrangements, if any, which may be made for the attendance of women students at lectures and tutorial classes and the prescription for them of special courses of study;

(j) the giving of religious instruction;

(k) the emoluments and conditions of service of teachers of the University;

(l) the maintenance of high schools and other institutions in accordance with the provisions of section 12;

(m) the supervision and inspection of colleges and institutions admitted to privileges of the University under section 12A; and

(n) all matters which by this Act or the Statutes are to be or may be provided for by the Ordinances.

(2) The Ordinances in force immediately before the commencement of the Aligarh Muslim University (Amendment) Act, 1951, may be amended, repealed or added to at any time by the Executive Council:

Provided that—

(i) no Ordinance shall be made affecting the conditions of residence or discipline of students except after consultation with the Academic Council;

(ii) no Ordinance shall be made—

(a) affecting the admission or enrolment of students or prescribing examinations to be recognised as equivalent to the University Examinations; or

(b) affecting the conditions, mode of appointment or duties of examiners or the conduct or standard of examinations or any course of study;

unless a draft of such Ordinance has been proposed by the Academic Council.

(3) The Executive Council shall not have power to amend any draft proposed by the Academic Council under the provisions of sub-section (2) but may reject it or return it to the Academic Council for reconsideration either in whole or in part, together with any amendments which the Executive Council may suggest.

(4) Where the Executive Council has rejected the draft of an Ordinance proposed by the Academic Council, the Academic Council may appeal to the Central Government and the Central Government may, by order, direct that the proposed Ordinance shall be laid before the next meeting of the Court for its approval and that pending such approval it shall have effect from such date as may be specified in the order:

Provided that if the Ordinance is not approved by the Court at such meeting, it shall cease to have effect.

(5) All Ordinances made by the Executive Council shall be submitted, as soon as may be, to the Central Government and the Court, and shall be considered by the Court at its next meeting and the Court shall have power, by a resolution, passed by a majority of not less than two-thirds of the members voting, to cancel any Ordinance made by the Executive Council, and such Ordinance shall, from the date of such resolution, cease to have effect.

(6) The Central Government may by order direct that the operation of any Ordinance shall be suspended until it has had an opportunity of exercising its powers of disallowance and any order of suspension under this sub-section shall cease to have effect on the expiration of one month from the date of such order, or on the expiration of fifteen days from the date of consideration of the Ordinance by the Court, whichever period expires later.

(7) The Central Government may, at any time after an Ordinance has been considered by the Court, signify to the Executive Council its disallowance of such Ordinance, and from the date of receipt by the Executive Council of intimation of such disallowance, such Ordinance shall cease to have effect."

**20. Amendment of section 32, Act XL of 1920.**—In section 32 of the principal Act,—

(a) in each of the sub-sections (2) and (2A), after the words "law for the time being in force" the words "or of an institution recognised as a University by or under any law of Parliament" shall be inserted;

(b) sub-sections (4) and (5) shall be omitted.

**21. Amendment of section 33, Act XL of 1920.**—In section 33 of the principal Act,—

(a) in sub-section (1), for the words “the Academic Council in such manner as may be prescribed by the Ordinances” the words “the Executive Council on the recommendation of the Academic Council” shall be substituted;

(b) sub-section (2) shall be omitted;

(c) in sub-section (3), for the words “to prepare” the words “and to prepare and publish” shall be substituted and the words “and to report such results to the Executive Council for publication” shall be omitted.

**22. Amendment of section 35, Act XL of 1920.**—In section 35 of the principal Act,—

(a) in sub-section (1), for the words “auditors appointed by the Visiting Board” the words “the Comptroller and Auditor General of India” shall be substituted;

(b) in sub-section (2), for the words “the Auditors’ report shall be submitted through the Visiting Board to the Lord Rector” the words “the report of the Comptroller and Auditor General shall be submitted to the Visitor” shall be substituted.

**23. Amendment of section 36, Act XL of 1920.**—In sub-section (2) of section 36 of the principal Act, for the words “Visiting Board” the word “Visitor” shall be substituted.

**24. Amendment of section 37, Act XL of 1920.**—In section 37 of the principal Act,—

(a) in sub-sections (1) and (2), after the word “provident” the word “insurance” shall be inserted;

(b) in sub-section (2), for the figures “1897” the figures “1925” shall be substituted.

**25. Amendment of section 38, Act XL of 1920.**—In section 38 of the principal Act,—

(a) sub-section (1) shall be omitted;

(b) in sub-section (2) the word “other” shall be omitted and for the words “any office of any authority” the words “any office or in any authority” shall be substituted.

**26. Omission of section 40, Act XL of 1920.**—Section 40 of the principal Act shall be omitted.

**27. Temporary provision for amendment of Statutes.**—The Central Government may, by notification in the Official Gazette, make such adaptations and modifications in the Statutes in force immediately before the commencement of this Act as, in its opinion, may be necessary or expedient to bring the provisions of the Statutes into accord with the provisions of the principal Act as amended by this Act:

Provided that nothing in this section shall be deemed to empower the Central Government to make any adaptation or modification of any such Statute after the expiration of six months from the commencement of this Act.

## STATEMENT OF OBJECTS AND REASONS

The University Education Commission, while making certain recommendations in regard to University education generally, have also dealt with certain special problems relating to the Central Universities at Banaras, Aligarh and Delhi. These recommendations were generally approved by the Central Advisory Board of Education at their meeting in April, 1950. The Government of India, after careful consideration of the matter, have decided that while it is not necessary to change the names of the Banaras and Aligarh Universities, the disqualifications imposed by the respective Acts on non-Hindus and non-Muslims being members of the Court of the University should be removed. They have also decided that the other recommendations of the University Education Commission, in so far as they relate to the Central Universities, should be implemented as far as possible. It is therefore now proposed to amend the Aligarh Muslim University Act in order to give effect to those recommendations.

## 2. The main features of the Bill are—

(i) religious instruction is to be given only to those who wish to receive it, as required by article 28(3) of the Constitution;

(ii) membership of the Court is to be thrown open to all persons irrespective of religion or caste;

(iii) the President of India is to be the Visitor of the University and he shall exercise the same powers as he does now as Lord Rector of the University;

(iv) the Governor of Uttar Pradesh will be the Chief Rector of the University and provision is also made for the appointment of other persons as Rectors;

(v) provision for a Visiting Board is to be abolished.

3. Advantage is taken of this opportunity to make a few other minor amendments so as to bring this Act into line with the other two Central Acts wherever necessary.

4. The first Statutes which formed part of the Aligarh Muslim University Act, had been considerably amended by the Court, and it is, therefore, proposed that the Central Government should assume power for a temporary period to make modifications in the Statutes, so as to bring them into accord with the Act, as now amended, and the recommendations of the University Education Commission.

5. Amendments consequential on the recommendations of the University Education Commission have already been undertaken with regard to the Banaras Hindu University Act.

RAFI AHMED KIDWAI.

NEW DELHI;

The 23rd May, 1951.

## BILL No. 54 OF 1951

*A Bill to assimilate certain laws in force in the scheduled areas to the laws in force in the districts of Darrang and Lakhimpur of the State of Assam.*

BE it enacted by Parliament as follows:—

**1. Short title and commencement.**—(1) This Act may be called the Scheduled Areas (Assimilation of Laws) Act, 1951.



(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

**2. Definitions.**—In this Act,—

(a) “appointed day” means the date appointed under sub-section (2) of section 1 for the coming into force of this Act;

(b) “law” means so much of any Act, Ordinance, Regulation, rule, order or bye-law as relates to any of the matters enumerated in Lists I and III in the Seventh Schedule to the Constitution;

(c) “scheduled areas” mean the areas specified in the Schedule.

**3. Assimilation of laws.**—(1) All laws which immediately before the appointed day extend to, or are in force in, the scheduled areas shall on that day cease to be in force in the scheduled areas except as respects things done or omitted to be done before that day, and for the removal of doubts, it is hereby declared that section 6 of the General Clauses Act, 1897 (X of 1897) shall apply in relation to such cesser as it applies in relation to the repeal of an enactment by a Central Act.

(2) All laws which immediately before the appointed day extend to, or are in force in, the Darrang district of the State of Assam shall as from that day extend to, or, as the case may be, come into force in, the areas specified in paragraph 1 of the Schedule.

(3) All laws which immediately before the appointed day extend to, or are in force in, the Lakhimpur district of the State of Assam shall as from that day extend to, or, as the case may be, come into force in, the areas specified in paragraphs 2 and 3 of the Schedule.

**4. Transitional provisions.**—Notwithstanding anything contained in section 3, the Central Government or the Government of the State of Assam may, by order, direct that during such period, not exceeding twelve months from the appointed day, as may be specified in the order, any law which immediately before the appointed day was in force in the scheduled areas, shall be deemed to have continued to be in force therein or any specified part thereof, and may further likewise direct that any law which would have extended to, or come into force in, the scheduled areas on the appointed day, shall not be deemed to have extended thereto or come into force therein or any specified part thereof.

**5. Savings.**—Notwithstanding anything contained in section 3, all suits, cases and other legal proceedings between the parties all of whom belong to the Scheduled Tribes specified in Item 2 of Part I—Assam, of the Schedule to the Constitution (Scheduled Tribes) Order, 1950, or such other tribe or tribes, as may be specified in this behalf, shall be tried and continue to be tried under the Assam Frontier (Administration of Justice) Regulation, 1945 (Regulation 1 of 1945) as if this Act had not been passed.

**6. Provision for removal of difficulties.**—If any difficulty arises in relation to the transition under section 3 from one law or group of laws to another law or group of laws, the Central Government may, by order notified in the Official Gazette, make such provision as it considers necessary for the removal of the difficulty.

## THE SCHEDULE

[See section 2(c)]

1. So much of the area included in the Balipara Frontier Tract, as is comprised within the line drawn from the eastern boundary of the district of Kamrup at Pillar No. 98 on the Bor Nadi eastwards along the Inner Line of the Balipara Frontier Tract as defined in Assam Government Notification No. 6778-A.P., dated the 2nd November, 1934, till it reaches the boundary of the Lakhimpur district; thence southwards along the western boundary of the Lakhimpur district to the point where it meets the boundary of the Darrang district; thence westwards along the northern boundary of the Darrang district to a point where it meets the eastern boundary of the Kamrup district; thence northwards along this boundary to the starting point.

2. So much of the area included in the Abor Hills and Mishmi Hills districts (Sadiya Frontier Tract) as is comprised within the line drawn from the point 498 at Dipa in a straight line to the junction of the Remi river with a nameless stream about a mile south-east of the junction of Remi and Tode Korong rivers; thence in a straight line to point milestone No. 4 from Kobo on the Kobo-Pasighat road; thence in a straight line to the junction of Sisseri and Gango rivers; thence along the left bank of the Gango river to its junction with the Dibang river; thence in a straight line to the confluence of Hazingaadi with Kundil river (about half a mile north of point 492 of the Kundil river); thence in a straight line to point 625 on the right bank of the Tipu-Balijan river (about four miles north of the confluence of Haru Nadi with Balijan); thence down the Balijan river following its right bank to its confluence with the Lohit river; thence across the Lohit river and down its left bank to Noa Dihing Mukh; thence up the right bank of the Noa Dihing river to its confluence with the Dirak river; thence up the left bank of the Dirak river to where it meets the boundary between the Sadiya Frontier Tract and the Lakhimpur district; thence westwards along the northern boundary of the Lakhimpur district to the starting point.

3. So much of the area included in the Tirap Frontier Tract as is comprised within the line drawn from the confluence of the Korla Pani and the Burhi Dihing rivers up the right bank of the Burhi Dihing river to the confluence of the Namphuk and the Namchik rivers; thence up the left bank of the Namchik river to its confluence with the Kathang river; thence up the Kathang Hka to its junction with the Lekha Hka; thence up the Lakha Hka to its source and thence to point 894; thence in a south-westerly direction down a nameless stream that originates from point 894, to its junction with the Tirap river; thence up the left bank of the Tirap river to a point due east of height 2438 on the Lungokan range; thence due west to height 2438; thence in a north-westerly direction down the Kapang Wa stream to its junction with the Tipang river; thence down the Tipang river to its junction with Kunukal Wa; thence in a south-westerly direction along the ridge of Tuting Tak Kan range to the saddle between this range and Lompi Parbat range; thence in a north-westerly direction down a nameless stream that originates from this saddle, to its junction with Likhapani or Tehi stream; thence down the Likhapani stream to its junction with the Tirap river; thence down the Tirap river to its junction with the Burhi Dihing river; thence down the Burhi Dihing river to its junction with the Manmaw Jan; thence down the Manmaw Jan stream as far as it forms the

eastern boundary of the Upper Dihing reserved forest; thence along the western boundary of the Upper Dihing reserved forest (east block) to the point where it meets the Pengri Hka; thence down the Pengri Hka to the Burhi Dihing river and up the Burhi Dihing to the starting point.

### STATEMENT OF OBJECTS AND REASONS

As the plains areas of the Balipara Frontier Tract, Tirap Frontier Tract, Abor Hills and Mishmi Hills Districts (Sadiya Frontier Tract) have been declared by the Governor of Assam to be areas not included in the Tribal areas specified in Part B of the Table appended to paragraph 20 of the Sixth Schedule of the Constitution, it has become necessary to incorporate these areas in the adjoining districts of Darrang and Lakhimpur and to administer them under the normal laws in force in the rest of the State of Assam. Under Article 372(1) of the Constitution, all the Acts, Regulations, Rules, etc., which applied to these areas *proprio vigore* or were specifically applied thereto with modifications under the Scheduled Districts Act, 1874, or section 92 of the Govt. of India Act, 1935, before the 26th January, 1950, will continue to be in force therein subject to future alteration, repeal or amendment. It is thus incumbent on the appropriate legislatures to pass legislation repealing the special laws in force in these areas making applicable to them the laws in force in the districts of Darrang and Lakhimpur.

2. The Assam Legislature has already passed a Bill in so far as subjects in the State List are concerned. The object of the present Bill is to make a corresponding provision in respect of subjects in Union and Concurrent Lists.

C. RAJAGOPALACHARI.

NEW DELHI;

The 21st May, 1951.

The following Bill was introduced in Parliament on the 5th June, 1951:—

### BILL NO. 55 OF 1951

*A Bill further to amend the Industrial Disputes Act, 1947, and to make certain temporary provisions relating to pay and allowances of certain workmen.*

BE it enacted by Parliament as follows:—

1. **Short title.**—This Act may be called the Industrial Disputes (Amendment and Temporary Provisions) Act, 1951.

2. **Interpretation.**—All words and expressions used in this Act and defined in the Industrial Disputes Act, 1947 (XIV of 1947) shall have the meanings assigned to them in that Act.

3. **Amendment of section 7, Act XIV of 1947.**—For sub-sections (2) and (3) of section 7 of the Industrial Disputes Act, 1947 (hereinafter referred to as the principal Act), the following sub-sections shall be substituted, namely:—

“(2) A Tribunal shall consist of such number of independent members as the appropriate Government may think fit to appoint, and where the Tribunal consists of two or more members, one of them shall be appointed as the Chairman thereof.

(3) Where a Tribunal consists of one member only, that member, and where it consists of two or more members, the Chairman of the Tribunal, shall be a person who—

(a) is or has been a Judge of a High Court; or

(b) is or has been a district judge; or

(c) is qualified for appointment as a Judge of a High Court:

Provided that no appointment under this sub-section to a Tribunal shall be made of any person not qualified under clause (a) except with the approval of the High Court of the State in which the Tribunal has, or is intended to have, its usual seat.

(4) Where a Tribunal consists of two or more members, every such member (other than the Chairman) shall possess such qualifications as may be prescribed, and where an industrial dispute affecting any banking or insurance company is referred to a Tribunal, one of such members may be a person who, in the opinion of the appropriate Government, has special knowledge of, and experience in, banking or insurance, as the case may be.

(5) A Tribunal, where it consists of two or more members, may act notwithstanding the casual and unforeseen absence of the Chairman or any other member, and when the Chairman or other member rejoins his office after such absence, the proceedings may be continued before the Tribunal from the stage at which he so rejoins."

**4. Substitution of new section for section 8, Act XIV of 1947.**—For section 8 of the principal Act, the following section shall be substituted, namely:—

*"8. Filling of vacancies.*—(1) If for any reason a vacancy occurs in the office of the Chairman or any other member of a Board, the appropriate Government shall appoint, in accordance with the provisions of sub-section (3) of section 5, another person to fill the vacancy and the proceedings may be continued before the Board so reconstituted from the stage at which the vacancy is filled.

(2) If for any reason a vacancy occurs in the office of the Chairman or any other member of a court or Tribunal, the appropriate Government shall, in the case of a Chairman, and may, in the case of any other member, appoint another independent person, in accordance with the provisions of section 6 or section 7, as the case may be, to fill the vacancy, and the proceedings may be continued before the Court or the Tribunal so reconstituted from the stage at which the vacancy is filled."

**5. Amendment of section 9, Act XIV of 1947.**—Section 9 of the principal Act shall be re-numbered as sub-section (1) thereof and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

*"(2) Where the report of any settlement arrived at in the course of the conciliation proceedings before a Board or the award of a Tribunal consisting of two or more members is signed by the Chairman and all the other members of the Board or the Tribunal, as the case may be, no such settlement or award shall be invalid by reason only of the casual and unforeseen absence of any of the members (including the Chairman) of the Board or the Tribunal, as the case may be, during any stage of the hearing of the proceedings."*

**6. Amendment of section 13, Act XIV of 1947.**—In sub-section (5) of section 13 of the principal Act, for the words "of the notice under section 22", the words "on which the dispute was referred to it" shall be substituted.

**7. Temporary provisions relating to scales of pay, etc., of workmen in banking companies.**—(1) No employer in relation to any banking company carrying on business in any Part A State or the State of Delhi, Ajmer or Coorg or the Andaman and Nicobar Islands shall, save in accordance with the terms of any settlement arrived at, or any award made, under the Industrial Disputes Act, 1947 (XIV of 1947),—

(a) alter, to the prejudice of any workman employed in such banking company, the scale of pay or rate of allowances according to which he has been paid, or would, if he had been continuously employed during the month of March, 1951, have been paid, in respect of any monthly, weekly or other period immediately before the 1st day of April, 1951; or

(b) recover from any such workman any amount already paid to him whether as pay or allowances (in accordance with any scales of pay or rates of allowances which were applied to him at any time after the 1st day of February, 1950) on the ground that the workman was not legally entitled to such scales of pay or rates of allowances.

*Explanation.*—For the purposes of this section, "allowances" mean any dearness allowance, house-rent allowance, halting allowance, washing allowance, hill allowance, fuel allowance and officiating allowance (so long as the workman holds the officiating appointment) and includes any special pay or allowance paid to a workman on the ground of special qualifications, skill or responsibility attaching to, or required in respect of, his work or office and also includes the special pay or allowance given to—

- (i) graduates,
- (ii) holders of banking diplomas like C.A.I.I.B., and C.A.I.B.
- (iii) comptists,
- (iv) stenographers,
- (v) cashiers,
- (vi) supervisors,
- (vii) sub-accountants,
- (viii) clerks-in-charge,
- (ix) departmental-in-charge,
- (x) headclerks, and
- (xi) certain categories of subordinate staff.

(2) For the removal of doubts, it is hereby declared that notwithstanding anything contained in any law it shall be lawful to make such retrospective adjustment in relation to scales of pay and rates of allowances referred to in sub-section (1) as may be necessary in order to give effect to the terms of any settlement arrived at or award made under the Industrial Disputes Act, 1947 (XIV of 1947).

**8. Recovery of money due from an employer.**—Any money due from an employer under the provisions of section 7 may be recovered in the same manner as an arrear of land revenue or as a public demand by the appropriate Government either on its own motion or on an application made to it by the persons entitled to such money.

#### STATEMENT OF OBJECTS AND REASONS

Certain disputes between banks having branches in more than one State and their employees were adjudicated upon by an industrial tribunal called the All-India Industrial Tribunal (Bank Disputes) last year. The awards of the Tribunal have recently been declared void by the Supreme Court on the ground of defects in the constitution of the Tribunal. The disputes have, therefore, to be resolved afresh. The main object of the Bill is to ensure that pending such settlement, employees continue to get whatever scales of any or rates of allowances were allowed to them immediately prior to the declaration of the awards as void. Provision has also been made for enabling the appointment of persons other than judges as members of multi-member tribunals and, in particular, the appointment of a banking expert on tribunals adjudicating upon disputes in banks. There is also a clause which extends the provision now applicable only to public utility services to other classes of establishments, prescribing a period of two months as the normal time allowed for conciliation proceedings before a Board. Other clauses are largely consequential.

JAGJIVAN RAM.

NEW DELHI;

*The 2nd June, 1951.*

M. N. KAUL,  
*Secretary.*